

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL D. HAYNES,

No. 2:23-cv-00003-TLN-AC

Petitioner,

**ORDER**

v.

J. MERCHANT,

Respondent.

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 6, 2023, the magistrate judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 3.) Petitioner has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed January 6, 2023 (ECF No. 3), are adopted in full;

- 1        2. This action is DISMISSED without prejudice as second or successive;
- 2        3. The Court declines to issue the Certificate of Appealability referenced in 28 U.S.C.
- 3        § 2253; and
- 4        4. The Clerk of the Court is directed to close this case.

6 || DATED: February 15, 2023

  
Troy L. Nunley  
United States District Judge